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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ELSA MANULID,

12 Plaintiff,

13 vs.

14 SYCUAN CASINO & RESORT, an
15 entity; SYCUAN BAND OF THE
16 KUMEYAAY NATION, an entity;
UNITED STATES OF AMERICA;
DOES 1-30, Inclusive,

17 Defendants.

CASE NO. 10cv721 WQH (CAB)

ORDER

18 HAYES, Judge:

19 **BACKGROUND**

20 On April 6, 2010, Plaintiff filed her Complaint against Sycuan Casino & Resort, Sycuan
21 Band of they Kumeyaay Nation, and Dr. Donald Weiss. (ECF No. 1).

22 On September 9, 2010, the United States filed a Notice of Certification of Scope of
23 Employment for Defendant Dr. Donald Weiss, a Notice of Substitution of United States of
24 America as Defendant in Place of Donald Weiss, M.D. and a Motion to Dismiss the Complaint
which was granted.


25 On September 27, 2010, Plaintiff filed a Request to Enter Default against Sycuan
26 Casino & Resort and Sycuan Band of Kumeyaay Nation. (ECF No. 11). On September 28,
27 2010, the Clerk declined to enter default because the proof of service “does not state that the
28 copies were left with Mr. Forman [general counsel for Sycuan Casino & Resort and Sycuan

1 Band of they Kumeyaay Nation], and nothing indicates with whom (specifically) the
2 documents were left.” *Id.* Since September 27, 2010, the docket reflects that no action has
3 been taken by either party in this case.

4 Pursuant to Local Rule 41.1, “[a]ctions or proceedings which have been pending in this
5 court for more than six months, without any proceeding or discovery having been taken therein
6 during such period, may, after notice, be dismissed by the court for want of prosecution.” S.D.
7 Cal. Civ. Local Rule 41.1; *see also* Fed. R. Civ. P. 41(b). It appearing to the Court that
8 dismissal for want of prosecution may be appropriate in this case, Plaintiff is hereby
9 **ORDERED TO SHOW CAUSE** as to why this case should not be dismissed without
10 prejudice for failure to prosecute.

11 Plaintiff shall file a written response to this **ORDER TO SHOW CAUSE** on or before
12 **March 4, 2011**. If Plaintiff does not respond, the Court will dismiss this case without
13 prejudice.

14 DATED: February 4, 2011

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16 **WILLIAM Q. HAYES**
17 United States District Judge
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